IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CONTEMPT PETITION NO. 85 OF 2006
IN
APPEAL NO. 84 OF 2006
IN
CHAMBER SUMMONS NO. 1464 OF 1999
IN
EXECUTION APPLICATION NO.258 OF 1998
IN
SUIT NO. 1761 OF 1995

DHARNI PROPERTIES PVT. LTD. ..PETITIONERS
V/S
MRS. KHROSHED KERSASP & ORS. ..RESPONDENTS

CORAM : S.K. SHAH, J.
DATE : 10TH NOVEMBER,2006.

P.C.

1. None for the Respondent No.1. As per the consent terms filed in the Appeal on 22-2-2000 the property was to be sold in the execution of the consent decree to the petitioners. Under the terms of the said consent terms the statutory clearance which required under the law for the

purpose of execution of the conveyance or such other assurances or documents for effectively transferring the property in favour of the petitioners was undertaken to be borne by the executors, the Respondents herein.

2. The grievance of the petitioners is that the Respondents' executors have executed the conveyance in favour of the petitioners. However for getting the full title in favour of the petitioners the consent decree under which the property is sold to the petitioner has got to be registered by paying the stamp duty. That is not done and therefore, the present contempt petition is filed.

3. The learned counsel for the Respondent No. 2, one of the executors, states that there is dispute as to the actual amount of stamp duty to be paid and for that purpose an application will have to be made to the Superintendent of Stamps. However, the Respondent No. 1, the other executors is not cooperating and therefore, a direction is required to be made to both the Respondents to make application to the Superintendent of Stamps. It is accordingly directed that the Respondent Nos. 1 and 2 shall make an application to the Superintendent of Stamps for getting decided the

amount of stamp duty required to be paid for registration of the consent decree. That shall be done within 4 weeks from today. The Superintendent of Stamps shall decide the amount of the stamp duty to be paid within 4 weeks from the receipt of the application made by the Respondent

Nos. 1 and 2. The amount of the stamp duty as decided by the Superintendent of Stamps shall be paid within 4 weeks from the date of the said decision.

4. With this direction the contempt petition stands disposed of.

(S.K. SHAH, J.)